

City of Houston, Texas, Ordinance No. 2004- 679

**AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO TRUCK LOADING ZONES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \*

**WHEREAS**, the City of Houston is a municipal corporation organized under the Constitution and general and special laws of the State of Texas and thereby exercises powers granted by the City's Charter and provisions of Article XI, Section 5 of the Texas Constitution; and

**WHEREAS**, in the exercise of its lawful authority the City may enact police power ordinances to promote and protect the health, safety and welfare of the public; and

**WHEREAS**, the City Council finds that the abuse of truck loading zones by unauthorized users leads to the unavailability of such zones and promotes traffic congestion where such zones exist; and

**WHEREAS**, the City Council finds that the health, safety, and welfare of the citizens of the City will be served and the mobility of all citizens enhanced through proper regulation of truck loading zones; and

**WHEREAS**, the City Council finds that the proper and efficient use of truck loading zones can best be achieved by additional regulations imposing parking fees and a system of parking permits for the use of such zones; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are adopted as part of this Ordinance.

**Section 2.** That the definition of “truck loading zone” contained in Section 45-2 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

*“Truck loading zone.* The area or space adjacent to the curb, officially set apart by appropriate signs or markings for the exclusive use of commercial vehicles as defined in section 45-126 of this Code during the loading or unloading of freight.”

**Section 3.** That Subsection (b) of Section 45-22 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(b) It is a civil offense for any person to violate any of the provisions of articles VI, VII or XVII of this chapter. The penalty for violation of any of the provisions of articles VI, VII or XVII for which another fine is not specifically provided by this Code or by state law shall be a civil fine of not less than \$1.00 nor more than \$200.00; provided, however, that the penalty for violation of any provision of section 45-126 of this Code shall be a civil fine of not less than \$200.00 nor more than \$500.00.”

**Section 4.** That Section 45-126 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**“Sec. 45-126.           Parking in truck loading zones.**

(a) *Definition.* For purposes of this section, ‘commercial vehicle’ shall mean a truck or other vehicle that either displays a valid permit issued pursuant to subsection (d) of this section or upon which the name, logo, or other designation of the person owning or operating the vehicle is painted or otherwise permanently affixed to the vehicle in letters or markings at least 2 inches in height.

(b) *Use, generally.* It shall be unlawful for any person to either (i) park any vehicle other than a commercial vehicle in any truck loading zone designated by the city during the posted hours of operation for the truck loading zone, or (ii) during the hours described in item (i) above to utilize a truck loading zone for any purpose other than expeditiously loading or unloading property, goods or merchandise from a commercial vehicle. In addition to any applicable fine or penalty, any vehicle parked in violation of

this section shall be subject to being towed at the direction of any law enforcement officer or parking enforcement officer.

(c) *Permit or fee required.* It shall be unlawful for any person to park any vehicle in any truck loading zone during posted hours of operation without either (i) displaying a current and valid commercial vehicle parking permit issued and utilized pursuant to subsection (d) of this section, or (ii) paying the metered fee provided in subsection (f) of this section.

(d) *Commercial vehicle parking permit.* Permits that authorize the parking of a commercial vehicle in a truck loading zone during the posted hours of operation of the zone without payment of the meter fee prescribed by subsection (f) of this section shall be issued by the director of public works and engineering or his designee as provided in this subsection. All permits shall be registered to a specific commercial vehicle, shall be transferable only as provided in this section, and must be conspicuously displayed so as to be easily visible to any person passing such vehicle on the street or sidewalk while the commercial vehicle is parked in any truck loading zone. Any failure to display a permit shall create the presumption that no permit for the vehicle exists. Permits shall be issued as follows:

- (1) *Class A Permit.* A Class A permit will be valid for a period of one year from the date of issuance and shall be transferable to any other commercial vehicle operated by the permittee upon prior notice in a manner prescribed by the director. The annual fee for a Class A permit will be \$1,200.00. A commercial vehicle with a Class A truck loading zone permit may be parked in a truck loading zone or, where such zones are unavailable or occupied, parked utilizing one or two metered automobile parking spaces without payment of the usual meter fee as required elsewhere in this chapter for such spaces. A commercial vehicle with a Class A permit may be parked for a period not to exceed two consecutive hours at one time.
- (2) *Class B Permit.* A Class B permit will be valid for a period of one year from the date of issuance and shall be transferable to any other commercial vehicle operated by the permittee upon prior notice in a manner prescribed by the director. The annual fee for a Class B permit will be \$300.00. A commercial vehicle with a Class B permit may be parked in a truck loading zone for a period not to exceed one hour at one time.
- (3) *Class C Permit.* A Class C permit will be valid for a period of one year from the date of issuance and shall be transferable to any other commercial vehicle operated by the permittee

upon prior notice in a manner prescribed by the director. The annual fee for a Class C permit will be \$150.00. A commercial vehicle with a Class C permit may be parked in a truck loading zone for a period not to exceed thirty minutes at one time.

- (4) *Class D Permit.* A Class D permit will be valid for a period not to exceed twenty-one consecutive days. The fee for a Class D permit will be \$25.00. A commercial vehicle with a Class D permit may be parked in a truck loading zone for a period not to exceed one hour at one time. Only one Class D permit per commercial vehicle may be issued within a 12 month period.
- (5) *Class E Permit.* A Class E permit will be valid only for the date and time period set forth in the permit which must be visibly and conspicuously displayed on the permitted commercial vehicle at all times the vehicle is parked as allowed by such permit. The fee for a Class E permit shall be based upon a rate of \$5.00 per hour per loading zone, passenger car parking space or, where no such zones or spaces exist, each 20 linear feet of curb occupied, multiplied by the number of hours requested for parking and shall be paid in advance without refund in the event of use of the permit for a lesser time than requested. A commercial vehicle with a Class E permit may be parked in any 'no parking' or 'tow away' zone but shall not be parked at any time in any fire or handicap zone, driveway or HOV lane. Class E permits shall be issued at the sole discretion of the traffic engineer.

(e) *Compliance with other laws.* Except as allowed by a Class A or Class E permit, a permit issued under this section shall not excuse compliance with applicable laws, and a commercial vehicle parked in any metered automobile parking space remains subject to any 'no parking' and 'tow-away zone' restrictions applicable to the parking space. Additionally, a permit does not excuse the requirement that the commercial vehicle must be expeditiously loaded or unloaded at all times while parked under this section.

(f) *Parking fee.* As an alternative to obtaining a permit, the operator of a commercial vehicle may park the vehicle in a truck loading zone space or spaces during posted hours of operation for the zone by paying a fee of \$5 per hour per metered space at the meter or meters for each space utilized in whole or in part for parking the commercial vehicle in that zone, provided that the commercial vehicle is then being expeditiously loaded or unloaded and the meter or meters are not allowed to expire; provided, however, that pending the installation of a meter in a truck loading zone, an unpermitted commercial vehicle may utilize one or more metered passenger vehicle spaces, or portions of such spaces, within the same block face as the

unmetered truck loading zone, by paying the metered rates for each space wholly or partially occupied by such vehicle.

(g) *Disposition of fees.* All fees and/or revenues generated from the use of truck loading zones shall be divided evenly between the transportation special revenue fund administered by the public works and engineering department and the police special services fund administered by the police department.

(h) *Area affected.* Unless extended pursuant to subsection (i), this section shall apply only within the central business district.

(i) *Extension to other areas.* Upon application of the traffic engineer demonstrating that public safety and general mobility require the application of the requirements of this section to truck loading zones and parking areas in one or more other areas of the city, the requirements of this section may be extended by motion of the city council to the area(s) identified by the traffic engineer."

**Section 5.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

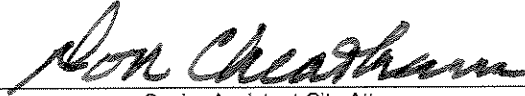
**Section 6.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail

by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 7.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the 180<sup>th</sup> day next following the date of its passage and approval by the Mayor.

**PASSED AND APPROVED** this 23rd day of June, 2004.

  
Mayor of the City of Houston

Prepared by Legal Dept.   
RDC 06/16/2004 Senior Assistant City Attorney  
Requested by: David Saperstein, Chairman, Mayor's Office of Mobility  
LD No.: 0420400051005

AYE	NO	2004-679
✓		MAYOR WHITE
....	....	COUNCIL MEMBERS
✓		LAWRENCE
	ABSENT	GALLOWAY
	ABSENT	GOLDBERG
✓		EDWARDS
	✓	WISEMAN
✓		KHAN
✓		HOLM
✓		GARCIA
	ABSENT	ALVARADO
✓		ELLIS
✓		QUAN
✓		SEKULA-GIBBS
✓		GREEN
✓		BERRY
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: JUN 29 2004